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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/510,055
Filing Date: October 04, 2004
Appellant(s): KENDALL, SCOTT ALLAN

Reitseng Lin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/10/2009 appealing from the Office action mailed 02/20/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,847,778	Vallone	1-2005
6,360,053	Wood	3-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,847,778 by Vallone et al. in view of US 6,360,053 by Wood et al.
2. Regarding **claim 1**, Vallone discloses a video playback apparatus (Col. 7 line 10-16) having means to invoke replay function and reverse functions upon receipt of a first signal, and means to invoke one of a skip function and a forward function upon receipt of a second signal different from the first signal (Fig. 9, col. 7 lines 14-16, col. 10 line 4-19).

Vallone fails to disclose a replay function and a reverse function separately upon receipt of a first signal, wherein replay function is activated in response to first signal exhibiting a first duration of time and wherein reverse function is activated in response to first signal exhibiting a second duration of time different from first duration and wherein skip function is activated in response to second signal exhibiting a third duration of time and wherein forward function is activated in response to second signal exhibiting a fourth duration of time different from third duration.

Wood discloses a replay function and a reverse function separately upon receipt of a first signal, wherein replay function is activated in response to first signal exhibiting

a first duration of time and wherein reverse function is activated in response to first signal exhibiting a second duration of time different from first duration and wherein skip function is activated in response to second signal exhibiting a third duration of time and wherein forward function is activated in response to second signal exhibiting a fourth duration of time different from third duration (fig. 2-3, col. 3 lines 30-col. 4 lines 24).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Vallone's system to include different duration, as taught by Wood, of different signal for giving a viewer more flexibility to control in different duration while they are watching a program.

3. In **claim 2**, the video playback apparatus wherein the replay function is invoked upon receipt of the first signal (Vallone, Fig. 9, Col. 10 line 4-19, Col. 18 line 65-68, Col.20 line 32-47) exhibiting duration of time below a first replay-reverse predetermined threshold, and the reverse function with a first reverse speed is invoked upon receipt of the first signal exhibiting duration of time above the first replay-reverse predetermined threshold, and wherein the skip function is invoked upon receipt of the second signal exhibiting duration of time below a first skip-forward predetermined threshold and a first forward function with a first forward speed is invoked upon receipt of the second signal exhibiting duration of time above the first skip-forward predetermined threshold (Wood, fig. 2-3, col. 3 lines 30-col. 4 lines 24).

4. According to **claim 3**, Vallone discloses the video playback apparatus wherein the first skip-forward predetermined threshold is one second and the first replay-reverse predetermined threshold is one second (User can select the duration what they want. Col. 18 line 65-67).

5. Regarding **claim 4**, Vallone discloses the video playback apparatus wherein the reverse function has the first reverse speed and a second reverse speed faster than the first reverse speed, and upon receipt of the first signal exhibiting duration of time greater than the first replay-reverse predetermined threshold, the first reverse speed is invoked, and upon receipt of the first signal exhibiting duration greater than a second replay-reverse predetermined threshold, the second reverse speed is invoked (User can select the speed e.g. x, 2x, 3x etc. Here 2x is greater than the x and 3x is greater than 2x, x. Col. 18 line 65-67, Col. 10 line 17-19).

6. Forward **claim 5** is rejected for the same reason as discussed in the corresponding reverse claim 4 above (Col. 10 line 17-19).

7. In **claim 6**, the video playback apparatus wherein upon receipt of the second signal (Vallone, Col. 20 line 40-47) exhibiting duration greater than a next greater skip-forward predetermined threshold, the next faster forward speed is invoked, up to the highest available forward speed (Wood, fig. 2-3, col. 3 lines 30-col. 4 lines 24).

8. In **claim 7**, Vallone discloses the video playback apparatus wherein the second forward predetermined threshold is at least one second greater than the first forward predetermined threshold (User can select the duration. Col. 18 line 65-67).

9. Reverse **claim 8** is rejected for the same reason as discussed in the corresponding forward claim 6 above.

10. **Claim 9** is rejected for the same reason as discussed in corresponding claim 7 above.

11. According to **claim 10**, Vallone discloses the video playback apparatus of claim 1 having 2x, 4x, 8x, and 16x forward speeds and -2x, -4x, -8x, and -16x reverse speeds (Col. 18 line 60-67).

12. In **claim 11**, Vallone disclose the video playback apparatus wherein duration of a remote control signal selected from the first signal and the second signal is calculated based on number of repetitions of code signal included in the remote control signal received, each repetition separated by a predetermined gap (User can change the duration by pressing the key button between 1-10 seconds).

13. In **claim 12**, Vallone discloses the video playback apparatus of claim 11 wherein the predetermined gap is between 1 and 10 milliseconds (User can change the duration by pressing the key button between 1-10 seconds).

14. In **claim 13**, Vallone discloses the video playback apparatus wherein an end of a remote control signal is calculated upon a gap between repetitions of receipt of a code signal of greater than 20 milliseconds in the remote control signal (User can change the duration by pressing the key button between 1-10 seconds).

15. According to **claim 14**, Vallone discloses the video playback apparatus having one or more functionalities in addition to video playback, the functionalities selected from DSL, integrated receiver-decoder, WinTV, and personal computer (Col. 3 line 55, 56).

16. In **claim 15**, Vallone discloses a remote control device for using with a video playback apparatus having a replay-reverse multipurpose key and a skip-forward multipurpose key for generating the first signal and second signal, respectively, when activated (Col. 10 line 4-19).

17. In **claim 16**, Vallone discloses the remote control device having means to send the first signal when the replay-reverse multipurpose key is pressed and the second signal when the skip-forward multipurpose key is pressed (Col. 10 line 4-19).

18. **Claim 17** is rejected for the same reason as discussed in corresponding claim 11 above.

19. **Claim 18** is rejected for the same reason as discussed in corresponding claim 12 above.

20. **Claim 19** is rejected for the same reason as discussed in corresponding claim 12 above.

21. In **claim 20**, Vallone discloses a system comprising a video playback apparatus and a remote control device having a replay-reverse multipurpose key for generating the first signal and a skip-forward multipurpose key for generating the second signal (Col. 10 line 4-19).

22. **Claim 21** rejected for the same reason as discussed in the corresponding claim 1 above.

(10) Response to Argument

23. Appellant's arguments filed 07/10/2009 have been fully considered but they are not persuasive.

24. In re pages 5-8, appellant argues that Vallone discloses the individual functions that can be initiated by buttons on the remote control 1401 in fig. 14. No button on the

remote control of Vallone is used for more than one function. Wood suggests that the rate of fast forwarding can be increased by depressing and holding the fast forward button for a longer period of time. The longer the time that the button is depressed translates into a greater increase for the fast forwarding speed or rate. Appellant also argues that both fail to disclose invoking two different functions separately with the same signal based on the duration of that signal as recited in claim 1.

In response, the examiner respectfully disagrees. Wood discloses from col. 3 lines 30-col. 4 lines 24 that "..... the user may increase the rate of fast forwarding and/or rewinding by continuing to depress the fast forward and/or rewind by continuing to depress the fast forward and/or rewind button for a period of time....." Wood discloses a replay function and a reverse function separately upon receipt of a first signal which may be fast rewinding button, wherein replay function is activated in response to first signal exhibiting a first duration of time which may first depression of fast rewind button and wherein reverse function is activated in response to first signal exhibiting a second duration of time which may be holding of fast rewind button for longer time different from first duration. Therefore, Wood suggested invoking two different functions (replay and reverse) separately with the same fast forwarding button based on the duration of that signal. The longer the time that the button is depressed translates into a greater increase for the fast rewinding speed or rate. Woods discloses similar operation for skip function and forward function by fast forward button. When user presses any control key or hold a control key for long duration of time, remote control generates a signal and each control key (depending on the depression time) has

different control signal to recognize the specific signal of specific control key for operating properly.

25. Claims 2-20 are rejected for the same reason as discussed in the corresponding paragraph 2 above.

26. Claim 21 is rejected for the same reason as discussed in the corresponding paragraph 2 above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Nigar Chowdhury/

10/07/2009

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